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ABSTRACT

As stated in the Preamble, the Sisseton-Wahpeton Sioux Tribe has established this "Revised Constitution and Bylaws" in order to "form a better tribal government, exercise tribal rights and responsibilities and promote the welfare of the people". This "Revised Constitution" consists of 11 Articles which are identified as follows: (1) Jurisdiction (territorial); (2) Tribal Membership; (3) Tribal Organization (Tribal Council, Executive Committee, and General Council); (4) District Organizations (7 districts, district councils, officers and committees, and local district jurisdiction; (5) Nominations and Elections (election requirements, voting privileges, registering procedures, etc.); (6) Vacancies, Removal, and Recall from Office (reasons and procedures); (7) Tribal Council Powers (pursuant to the "Revised Constitution" and any applicable Federal statutes or regulations); (8) Meetings (time and place, Tribal Council and Executive Committee quorum requirements); (9) Bill of Rights (equal social, economic religious, and political rights for all tribal members); (10) Initiative and Referendum (petition requirements, ballot requirements, and voting procedures); (11) Amendments (the "Revised Constitution" may be amended by a majority vote subject to approval by the Commissioner of Indian Affairs). (JC)

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REVISED CONSTITUTION AND BYLAWS OF THE SISSETON-WAHPETON SIOUX TRIBE SOUTH DAKOTA

PREAMBLE

We, the Sisseton-Wahpeton Sioux Tribe, in order to form a better tribal government, exercise tribal rights and responsibilities and promote the welfare of the people, do hereby establish this Revised Constitution and Bylaws.

ARTICLE I - JURISDICTION

The jurisdiction of the Sisseton-Wahpeton Sioux Tribe shall extend to lands lying in the territory within the original confines of the Lake Traverse Reservation as described in Article III of the Treaty of February 19, 1867.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Sisseton-Wahpeton Sioux Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1940, which shall be the basic tribal membership roll. Corrections may be made in this roll by the tribal council, with the approval of the Secretary of the Interior.

(b) All persons of Indian blood born after January 1, 1940, the date of the basic membership roll, and prior to October 16, 1946, the date of approval of the original constitution to members of the tribe.

(c) Children born on or after October 16, 1946, the date of approval of the original constitution, and prior to December 21, 1959, to members of the tribe who were residents of the Lake Traverse Reservation at the time of the birth of said children.

(d) All persons of one-eighth (1/8) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after December 21, 1959.

Section 2. The tribal council shall have the power to promulgate ordinances, subject to the approval of the Secretary of the Interior, governing future membership, and the adoption of new members.

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ARTICLE III - ORGANIZATION

Section 1. The Sisseton-Wahpeton Sioux Tribe shall be governed by a tribal council consisting of seven councilmen and three officers. One councilman shall be elected from the Veblen, Enemy Swim, Big Coulee, Old Agency, Lake Traverse, Long Hollow and Buffalo Lake districts. A chairman, a secretary and a treasurer of the tribal council shall be elected at large, which officers shall constitute an executive committee.

Section 2. The executive committee, in formal session, shall have the power to speak and act for the tribe when the tribal council is not in session and to carry into effect all properly enacted resolutions and ordinances of the tribal council and to appoint any boards, committees, or associations necessary to the transaction of tribal business. The tribal council shall review any action taken by the executive committee not delegated to it either in this Revised Constitution or in the enactments of the tribal council. The review shall be limited only to the next meeting of the tribal council following notification of the action of the executive committee.

Section 3. Members of the tribal council shall hold office for a term of two (2) years commencing on the date of the first regular meeting in January of each odd numbered year and until their successors have been elected and seated.

Section 4. There shall be a general council composed of the enrolled members of the tribe 21 years of age and over. A quorum for a general council shall be at least ten (10) percent of the eligible members. It shall be the duty of the tribal council to call and notice, at least once in each calendar year, a general council meeting. The general council may be convened only by action of the tribal council. At each general council meeting, the tribal council, all tribal committees, associations, and organizations shall present a report on the past year's activities, and, insofar as it is possible, explain the proposed programs for the ensuing year.

ARTICLE IV - DISTRICT ORGANIZATIONS

Section 1. There shall be seven (7) deliberate district councils, viz: (1) Veblen, (2) Long Hollow, (3) Buffalo Lake, (4) Enemy Swim, (5) Big Coulee, (6) Old Agency, and (7) Lake Traverse.

Section 2. Each district council shall consist of the adult members of the tribe registered on a district voting roster which will be maintained by the district secretary.

Section 3. The tribal councilman elected from each district shall call a district election in January of odd numbered years to elect for the district: (1) a chairman, (2) a vice-chairman, (3) a secretary, (4) a treasurer, and such other officers and committees as may be deemed necessary.

Section 4. Each district shall manage its own local affairs, but any matters involving more than one district shall be decided by the tribal council. It shall be the function of the district councils to advise and make recommendations to the tribal council.

ARTICLE V - NOMINATIONS AND ELECTIONS

Section 1. The first election of the tribal council under this Revised Constitution shall be called, held, and supervised by the present tribal council within 120 days after its approval. Successful candidates at this first election shall assume office when duly seated at the regular January 1967 meeting of the Council. Where more than 2 members have filed for an office, a primary election shall be held at least 30 days prior to the general election. Only the two candidates for each office receiving the most votes at such primary election or convention shall be eligible to run for office in the general election. Where no more than two members have filed for an office, a primary election will be unnecessary.

Section 2. Any qualified registered member of the Sisseton-Wahpeton Sioux Tribe 21 years of age or over may announce his candidacy for the tribal council by notifying the secretary of the tribal council in writing of his candidacy at least forty-five (45) days prior to the election. It shall be the duty of the secretary to post at least ten (10) days before the primary election the names of all qualified candidates who have met this requirement. Notice of all elections shall be given as prescribed by ordinance.

(a) Candidates for tribal council officers shall file for the office of their choice at least sixty (60) days before the general election.

(b) One councilman shall be elected from each of the seven (7) voting districts.

(c) No person may be a candidate for more than one office.

Section 3. The tribal council, or an election board appointed by the council, shall supervise the maintenance of the district voting rosters and shall determine rules and regulations governing elections, including absentee voting, qualifications for office, election dates and recall elections. The tribal council shall certify to the election of members after the election has been held.

Section 4. Any enrolled member of the Sisseton-Wahpeton Sioux Tribe who is 21 years of age or over, on the date of election, shall be entitled to vote in the district in which he is registered.

Section 5. Members of the tribe shall register, vote and hold office in the district of their residence, or if they are non-residents, in the district of their former residence, or if they never were residents, in the district of their choice. Tribal members who have never been residents, registering in the district of their choice, cannot change their voting district unless duly authorized to do so by the tribal council.

ARTICLE VI - VACANCIES, REMOVAL AND RECALL FROM OFFICE

Section 1. If a councilman or officer shall die, resign, or be removed from office for cause, the tribal council shall declare the position vacant and appoint a person to fill the vacancy, provided the appointment of any councilman shall be made from the appropriate district council or from the reservation at large in the case of a member of the executive committee.

Section 2. Any councilman or officer who is proven guilty of improper conduct or gross neglect of duty may be removed from the tribal council by a vote of 6 council members, provided that the member shall be given full opportunity to reply to any and all charges at a designated council meeting; and provided further that the member shall have been given a written statement of the charges against him at least five (5) days before the meeting at which he is to be given an opportunity to reply. The councilman or officer found guilty of improper action shall not vote on his own removal.

Section 3. The voters of any district, by petition signed by ten (10) percent of the eligible voters in the district, may request the recall of its district councilman for improper conduct. The recall of members of the executive committee may be requested by a petition signed by twenty (20) percent of the eligible voters from the whole reservation. The tribal council shall hold a special election on all such recall petitions. Any resulting vacancies shall be filled under Section 1 of this Article. No more than one recall election for each councilman or officer shall be held for each term of office.

Section 4. Any councilman or officer who fails to attend three (3) successive monthly meetings without excuse, shall be considered to have resigned his office. The tribal council shall then declare the position vacant and fill the vacancy pursuant to the provisions of Section 1 of this Article.

ARTCLE VII - POWERS

Section 1. The tribal council shall have the following powers which may be exercised pursuant to this Revised Constitution and any applicable Federal statutes or regulations.

(a) To represent the tribe in all negotiations with Federal, State and local governments and to advise and consult with representatives of the Department of the Interior on all matters affecting the tribe.

(b) To acquire, own, use, manage, lease, and otherwise encumber, and to dispose of tribal property, both real and personal, wherever situated.

(c) To engage in any business not contrary to State law that will further the economic development of the tribe and its members, and to use tribal funds or other resources for such purposes.

(d) To make rules governing the relationship of the members to the tribe, to tribal property, and to one another as members of the tribe, and to assess fees of members to effectuate tribal purposes.

(e) To hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services. The choice of counsel and fixing of fees to be subject to approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(f) To deposit tribal funds to the credit of the tribe, without limitation of the amount in any account, in any National or State Bank whose deposits are insured by an agency of the United States, and to invest and reinvest tribal funds in any security authorized by the laws of the State of South Dakota or the District of Columbia for trust investments, and in addition, to invest and reinvest tribal funds in any security issued by a company in which the tribe has a majority or greater interest.

(g) Tc take any action by ordinance, resolution or otherwise which are reasonably necessary, through committees, boards, agents or otherwise, to carry into effect the foregoing purposes and to add such further powers, as may be permitted by law, through appropriate amendment to this Revised Constitution.

(h) To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe.

(i) To adopt resolutions regulating the procedures of the tribal council, its officials and committees in the conduct of tribal affairs.

(j) (i) No authorities contained in this Revised Constitution may be delegated by the tribal council to tribal officials. district councils, or associations to carry out any function for which the tribal council assumes primary responsibility, except by ordinance or resolution duly enacted by the tribal council in legal session, and excepting also those specific requirements contained in the bylaws of the Sisseton-Wahpeton Sioux Tribe.

(ii) The tribal council is hereby authorized to recognize any district committees, associations or other organization open to the members of the Sisseton-Wahpeton Sioux Tribe and to approve such organizations, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the tribal council unless by a proper delegation of authority by the tribal council.

Section 2. Manner of Review. Any ordinance or resolution which may be subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten days after receipt approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement to the Secretary of the Interior, who may within 90 days from the date of receipt, rescind the said ordinance or resolution for any cause by notifying the tribal council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution, he shall within 10 days after its receipt advise the Sisseton-Wahpeton Sioux Tribal Council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its receipt, approve the same in writing whereupon the said ordinance or resolution shall become effective.

ARTICLE VIII - MEETINGS

Section 1. The tribal council shall meet regularly on the first Tuesday of each month, or upon call of the chairman of the tribal council. It shall be the duty of the chairman to call a special meeting upon request of a majority of the council.

Section 2. At any meeting of the tribal council, six (6) voting members of the council present shall constitute a quorum.

Section 3. The executive committee shall meet upon call of the chairman. At any meeting of the executive committee, two (2) members shall constitute a quorum.

ARTICLE IX - BILL OF RIGHTS

Section 1. All members of the Sisseton-Wahpeton Sioux Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the tribe shall continue undisturbed in their religious beliefs and nothing in this Revised Constitution and Bylaws will authorize either the tribal council or the general council to interfere with these traditional religious practices according to their custom.

ARTICLE X - INITIATIVE AND REFERENDUM

Section 1. Any matter of concern to the tribe not previously considered or acted upon by the tribal council may be presented for action by the tribal council or vote of the qualified voters, provided a petition signed by at least ten (10) percent of the qualified voters of the tribe and setting forth the matter to be considered is filed with the chairman. The tribal council shall consider the matter presented in the petition at its next regular or special meeting. If the tribal council fails to act or disapprove the matter within ninety (90) days after filing of a proper petition with the chairman, it shall be put to a vote at the next meeting of the general council or shall appear on the ballot at the next general election, whichever occurs first. The vote of a majority of the qualified voters voting on the issue shall be conclusive and binding upon the tribal council.

Section 2. Upon the filing of a petition with the chairman of the tribal council, signed by at least ten (10) percent of the eligible voters of the Sisseton-Wahpeton Sioux Tribe within 60 days of the enactment or upon the request of a majority of the members of the tribal council within a like period, any enacted ordinance or resolution of the tribal council shall be submitted to the tribal council to a popular referendum, such referendum to be called and held within 30 days of the date of filing or request. The vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the tribal council.

ARTICLE XI - AMENDMENTS

Section 1. This Revised Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Commissioner of Indian Affairs, provided at least thirty (30) percent of the eligible voters shall vote in such election. It shall be the duty of the Commissioner of Indian Affairs to call an election on any proposed amendment at the request of a majority of the tribal council or upon the presentation of a petition signed by at least ten (10) percent of the qualified voters of the tribe, but no amendment shall become effective until it is approved by the Commissioner of Indian Affairs.

BYLAWS OF THE SISSETON-WAHPETON SIOUX TRIBE

ARTICLE I - DUTIES OF OFFICIALS

Section1. Chairman

(a) He shall preside at all regular and special meetings of the general council, tribal council, and executive committee. The chairman shall be an ex-officio member of all subordinate committees.

(b) He shall have general and active management of the business activities of the tribe except that he shall not act on matters binding the tribe until either the general council, the tribal, or the executive committee has deliberated and enacted appropriate resolutions or motions.

(c) He shall see that all ordinances and resolutions of both the general council and the tribal council are carried into effect.

(d) He shall sign on behalf of the tribe all official papers when authorized to do so.

(e) He shall give supervision to all other officers and employees of the tribe and see that they carry out their duties.

(f) He shall prepare a report of the activities of the tribal council and shall make this report at each regular meeting of the general council. He shall include in this report all matters within his knowledge which the interest of the tribe may require be brought to its attention.

(g) He shall not vote in either the general council or tribal council except in case of a tie.

(h) It shall be the duty of the chairman to designate who, from the other members of the executive committee, shall preside in his absence. When the chairman refuses or is unable to act, the Secretary shall assume the duties of the chair.

Section 2. Secretary

(a) He shall keep minutes at the principal place of business of the tribe of all meetings of the general council, the tribal council, and the executive committee.

(b) He shall give and serve all notices of the general council and the tribal council as required by this Revised Constitution and Bylaws.

(c) He shall keep the membership roll of the tribe, showing all changes as required by this Revised Constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all such correspondence assigned to him by the chairman and perform all other duties of his office or as prescribed by the general council or tribal council.

Section 3. Treasurer

(a) He shall keep and maintain, open to inspection by members of the tribe or representatives of the Commissioner of Indian Affairs, at all reasonable times, adequate and correct accounts of the properties and business transactions of the tribe.

(b) He shall have care and custody of the funds and valuables of the tribe. He shall deposit all funds in the name of and to the credit of the Sisseton-Wahpeton Sioux Tribe with such depository as the tribal council may direct, subject to the approval of the Secretary of the Interior or his authorized representative.

(c) He shall disburse the funds of the tribe as may be ordered by the tribal council, taking properly signed invoices, vouchers or other instruments for said disbursements. All checks shall be countersigned by the chairman or in his absence, his authorized designee.

(d) He shall make a monthly report to the tribal council and account for all transactions involving the disbursement, collection or obligation of tribal funds. He shall make a similar financial report to the general council at its regular meeting.

(e) The treasurer and all officers and employees whose duties involve handling of tribal money or other valuables shall be

bonded as required by the tribal council and as approved by the Secretary of the Interior or his duly authorized representative.

(f) The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the tribal council and at such times as the tribal council or the Commissioner of Indian Affairs may direct.

ARTICLE II - OATH OF OFFICE

Before assuming a position on the tribal council, each member shall subscribe to the following oath or affirmation:

"I, _____, do solemnly swear (or affirm) that I will support the Revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe and the Constitution of the United States, and will faithfully and impartially perform the duties of my office to the best of my ability and will work to promote and protect the best interests of the Indians of the Sisseton-Wahpeton Sioux Tribe, and will assist them in every way within my power toward better citizenship and progress."

ARTICLE III - RATIFICATION

This Revised Constitution and Bylaws, if adopted by a majority vote of the qualified voters of the Sisseton-Wahpeton Sioux Tribe voting in an election called for that purpose by the Commissioner of Indian Affairs, in which at least thirty (30) percent of those entitled to vote shall have voted, shall be submitted to the Commissioner of Indian Affairs and if approved by him, shall go into effect upon the date of such approval.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Commissioner of Indian Affairs on November 26, 1965, the attached Revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe, South Dakota was submitted to the qualified voters of the Sisseton-Wahpeton Sioux Tribe, and was on August 1 and 2, 1966, duly adopted by a vote of 123 for, and 56 against in an election in which at least 30 percent of the 598 members entitled to vote cast their ballots.

(Sgd) John Two Stars
John Two Stars, Member

(Sgd) Gabriel Amos
Gabriel Amos, Member

(Sgd) Baine Wilson
Baine Wilson, Member
Tribal Election Committee

(Sgd) Willard LaFromboise
Willard LaFromboise, Chairman
Sisseton-Wahpeton Sioux Tribal Council

(Sgd) W. P. Hughes
W. P. Hughes, Superintendent
Sisseton Agency

APPROVAL

I, Commissioner of Indian Affairs, United States Department of the Interior, do hereby approve the attached Revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe, South Dakota.

(Sgd) Robert L. Bennet

Commissioner

Date: August 26, 1966

Washington, D. C.